

**STATE OF SOUTH CAROLINA****(Caption of Case)**

In Re: Petition to Establish Docket to Consider  
Implementing the Requirements Of:

Section 1307 (State Consideration of Smart Grid ) and  
Section 532 (Energy Efficiency Programs) of the  
Energy Independence & Security Act of 2007

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**COVER SHEET**

**DOCKET  
NUMBER:** 2008 - 447 - E

(Please type or print)

**Submitted by:** Thomas L. Moses

**SC Bar Number:** 007024

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**Other:** \_\_\_\_\_

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:** \_\_\_\_\_

**INDUSTRY (Check one)**

- ☒ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☐ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other: \_\_\_\_\_

**NATURE OF ACTION (Check all that apply)**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Affidavit                 | <input type="checkbox"/> Letter                            | <input type="checkbox"/> Request                   |
| <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Application               | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input type="checkbox"/> Certificate               | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Complaint                 | <input checked="" type="checkbox"/> Petition to Intervene  | <input type="checkbox"/> Return to Petition        |
| <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input type="checkbox"/> Discovery                 | <input type="checkbox"/> Prefiled Testimony                | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other: _____              |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           | _____  |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
| <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

In Re: Petition to Establish Docket to	)	
Consider Implementing the Requirements Of:	)	
	)	
Section 1307 (State Consideration of Smart	)	Docket No. 2008-447-E
Grid ) and Section 532 (Energy Efficiency	)	
Programs) of the Energy Independence &	)	
Security Act of 2007	)	

**PETITION TO INTERVENE OF  
WAL-MART STORES EAST, LP, AND SAM'S EAST, INC.**

Pursuant to Rule 103-825(3) of the Rules and Regulations of the Public Service Commission of South Carolina ("Commission") Wal-Mart Stores East, LP, and Sam's East, Inc., (collectively "Wal-Mart") respectfully request the Commission to enter an order permitting their intervention and participation in the above-captioned proceeding. In support of this Petition to Intervene Wal-Mart states as follows:

1) On December 11, 2008, the South Carolina Office of Regulatory Staff filed herein its Petition To Establish Docket To Fulfill The State Requirements Of The Energy Independence & Security Act Of 2007. On December 23, 2008, a Notice Of Filing was issued wherein it was stated, "Any person who wishes to participate in this matter, as a party of record with the right of cross-examination should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before February 27, 2009, and indicate the amount of time required for his presentation."

2) Wal-Mart Stores East, LP, is a Delaware limited partnership authorized to do business in South Carolina. Sam's East, Inc., is an Arkansas corporation also authorized to do business in South Carolina. The business address of both entities is: Sam M. Walton Development Complex, 2001 SE 10th Street, Bentonville, AR 72716-



0550.

3) As of August 2008, Wal-Mart's presence in South Carolina included 63 supercenters, 8 discount stores, 9 Sam's Clubs and 2 distribution centers. Together these facilities consume large quantities of electricity purchased from various electric utilities in South Carolina.

4) As a retail electric consumer, Wal-Mart has an interest in this proceeding. The relief being requested herein, if granted in whole or in part, could adversely impact Wal-Mart's cost of electricity. Wal-Mart seeks to intervene in this proceeding to protect its interests. Wal-Mart's interests cannot be represented adequately by any other party. Intervention by Wal-Mart will not prejudice any other party or unduly delay this proceeding.

5) Wal-Mart is represented by Rick D. Chamberlain of the firm of Behrens, Taylor, Wheeler & Chamberlain. Pursuant to Rule 103-804(T)(1)(b), of the Commission's Rules and Regulations Mr. Chamberlain will associate with Thomas L. Moses of the firm Monahan & Moses, LLC, as local counsel licensed to practice in South Carolina.

6) Wal-Mart requests that all communications and filings related to this docket be sent to the following:

Rick D. Chamberlain, JD, CPA  
Behrens, Taylor, Wheeler, & Chamberlain  
6 NE 63rd, Suite 400  
Oklahoma City, OK 73105  
405-848-1014  
[rdc\\_law@swbell.net](mailto:rdc_law@swbell.net)

-and-


Ken Baker  
Sr. Manager of Sustainable Regulation  
Sam Walton Development Complex  
Department 9566  
2001 SE 10th Street  
Bentonville, AR 72716-0550  
479-204-0404  
[ken.baker@wal-mart.com](mailto:ken.baker@wal-mart.com)

7) As of the filing of this Petition, Wal-Mart has not determined the position it will take in this proceeding, or whether it will present the testimony of one or more witnesses. Wal-Mart's determination will depend upon the issues that arise as this docket unfolds.

WHEREFORE, Wal-Mart Stores East, LP, and Sam's East, Inc., respectfully request that the Commission grant them intervenor status as a full party of record and allow them to fully participate in this Cause including, without limitation, filing and presenting testimony, cross examination of witnesses, participation in all formal and informal conferences and hearings, and filing of briefs and any other pleading, to the extent they deem necessary for their full participation herein.

Respectfully submitted,

By s/Thomas L. Moses

  
Thomas L. Moses, SC Bar No. 007024  
MONAHAN & MOSES, LLC  
13-B West Washington Street  
Greenville, SC 29601  
Tel.: (864) 241-4604  
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PETITION TO INTERVENE OF  
WAL-MART STORES EAST, LP,  
AND SAM'S EAST, INC.,  
Docket No. 2008-447-E

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[tom.moses@momolaw.com](mailto:tom.moses@momolaw.com)

-and-

Rick D. Chamberlain, OK Bar No. 11255  
BEHRENS, TAYLOR, WHEELER  
& CHAMBERLAIN  
6 N.E. 63rd, Suite 400  
Oklahoma City, OK 73102  
Tel.: (405) 848-1014  
Fax: (405) 848-3155  
[rdc\\_law@swbell.net](mailto:rdc_law@swbell.net)

ATTORNEYS FOR INTERVENORS,  
WAL-MART STORES EAST, LP,  
AND SAM'S EAST, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Petition To Intervene Of Wal-Mart Stores East, LP, And Sam's East, Inc., in Docket No. 2008-447-E has been served by electronic mail (e-mail), hand delivery or by depositing a copy in the United States mail, postage prepaid, addressed to the parties of record.

s/Rick D. Chamberlain